

A Lot of Difference

10/13/61

Well, what difference does it make that they tapped Eleanor Roosevelt's telephone while her husband was President of the United States? They tapped pretty nearly everybody's phone in those days, didn't they? And who knows, maybe they're still doing it now. It's to protect national security, you know. And you don't want to impair national security, do you?

It appears to have been nothing personal in Mrs. Roosevelt's case. According to a former Army Intelligence operative, they "did a tremendous amount of tapping" during the war years. The First Lady just happened to be in the area of surveillance. Come to think of it, you may have been there, too. You may be in an area of surveillance right now, when you come right down to it, Washington being what it is. You haven't got any secrets, of course, and you aren't doing anything you're ashamed of. All the same, you might just happen to prefer to keep your private conversations private.

Testifying recently before Senator Long's Administrative Practice and Procedure Subcommittee, a supervisor for the Southwestern Bell Telephone Co. acknowledged that he had provided the Kansas City Police Department with the information necessary to tap a phone whenever it was requested by that Department's chief of detectives. He extended the same courtesy, he testified, to the Kansas City office of the Federal Bureau of Investigation. You understand how this works, don't you? A subscriber pays the telephone company for a "private" telephone; and then the telephone company, a private business, conspires with the cops to invade his privacy. Do you think the Chesapeake & Potomac Telephone Co. is less cooperative? Who knows?

Well, as we say, what difference does it make? We'd like to answer that question. In the first place, every time a police detective or an FBI agent or anybody else taps a telephone and divulges what he hears to some other person, he violates an act of Congress; every time he makes any use whatever of what he hears by a telephone tap without the authorization of at least one of the parties to the conversation, he commits a crime against the United States. And we think it makes a lot of difference whether law enforcement authorities uphold the laws or break the laws.

In the second place, the knowledge that your telephone *may* be tapped puts a serious damper on your conversation; it makes you wonder whether you can talk on the telephone in confidence about entirely lawful and innocent, yet essentially private, matters with your boss or your business partner or your wife or your best girl or your stock broker or your lawyer or your doctor. And since the telephone is now an extremely common instrument of communication, this uncertainty puts a very heavy inhibition on free speech. We think it makes a whale of a lot of difference—an essential part of the difference between a free society and a police state.